

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Mark Timothy Pittman

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Northern District of Texas

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Second Court of Appeals
401 West Belknap, Suite 9000
Fort Worth, Texas 76196

4. **Birthplace:** State year and place of birth.

1975; Big Spring, Texas

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1996 – 1999, University of Texas School of Law; J.D., 1999

1993 – 1996, Texas A&M University; B.A. (*magna cum laude*), 1996

1995 – 1996, Blinn College; no degree

Summer 1994, Summer 1995, Summer 1996, East Texas State University (now Texas A&M University—Commerce); no degree

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2019 – present
Texas A&M University School of Law
1515 Commerce Street
Fort Worth, Texas 76102
Adjunct Professor

2017 – present
Second Court of Appeals
401 West Belknap, Suite 9000
Fort Worth, Texas 76196
Associate Justice

2015 – 2017
352nd Judicial District Court
100 North Calhoun Street, 4th Floor
Fort Worth, Texas 76196
District Judge

2014 – 2015
United States Attorney's Office, Northern District of Texas
Criminal Division, Economic Crimes Unit
1100 Commerce Street, 3rd Floor
Dallas, Texas 75242
Special Assistant United States Attorney

2011 – 2015
United States Securities and Exchange Commission
Division of Enforcement, Fort Worth Regional Office
801 Cherry Street, 19th Floor, Unit 18
Fort Worth, Texas 76102
Enforcement Attorney

2009 – 2011
Federal Deposit Insurance Corporation
Division of Risk Management Supervision, Dallas Regional Office
1601 Bryan Street
Dallas, Texas 75201
Senior Attorney

2007 – 2009
United States Attorney's Office, Northern District of Texas
Civil Division
1100 Commerce Street, 3rd Floor
Dallas, Texas 75242
Assistant United States Attorney

2004 – 2007

United States Department of Justice
Civil Division, Commercial Litigation Branch, National Courts Section
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Trial Attorney

2001 – 2004; 1999 – 2000; 1998

Kelly, Hart & Hallman, L.L.P.
201 Main Street, Suite 2500
Fort Worth, Texas 76102
Litigation Associate (1999 – 2000; 2001 – 2004)
Law Clerk (1998)

2000 – 2001

Honorable Eldon B. Mahon
Eldon B. Mahon United States Courthouse
501 West 10th Street
Fort Worth, Texas 76102
Law Clerk

1998 – 1999

Texas Medical Association
401 West 15th Street
Austin, Texas 78701
Law Clerk & Legislative Affairs Assistant

Summer 1998

Strasburger & Price, LLP
901 Main Street, Suite 4800
Dallas, Texas 75202
Law Clerk

Summer 1997

Office of the Governor of Texas
Office of the General Counsel
Post Office Box 12428
Austin, Texas 78701
Law Clerk

Other Affiliations (uncompensated):

2018 – present

Ballet Concèrto of Fort Worth
3802 Camp Bowie Boulevard

Fort Worth, Texas 76107
Board Member

2011 – 2015
Texas Radiation Advisory Board
8407 Wall Street
Austin, Texas 78754
Board Member (2011 – 2015)
Board Secretary (2014 – 2015)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I registered for the selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

SEC Excellence in Information Technology Award (2013)

FDIC Chairman's Mission Achievement Award (2010)

Pi Sigma Alpha – Political Science Honor Society, Texas A&M University
(approximately 1995 – 1996)

Texas A&M University Academic Excellence Scholarship Recipient (1994 – 1996)

Golden Key National Honor Society, Texas A&M University (approximately 1994 – 1996)

Texas A&M University Dean's List, Outstanding Students List (1993 – 1996)

Texarkana Area Texas A&M Club Scholarship Recipient (1993)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

American Bar Association (approximately 1999 – 2004)

American Judges Association (2015 – present)

Eldon B. Mahon Inn of Court (2000 – 2002 and 2015 – present)

Associate (2000 – 2002)
Master (2015 – present)
Membership Committee (2015 – present)

Federalist Society, Fort Worth Lawyers Chapter (2011 – present)
Vice President (2011 – present)

Tarrant County Bar Association (1999 – 2004, 2010 – present)
Appellate Practice Section (2017 – present)
Member, Professionalism Award Committee (2015 – present)

Tarrant County Bar Foundation, Fellow (2015 – present)

Tarrant County Board of District Judges (2015 – 2017)
County Auditor Committee (2015 – 2017)

Tarrant County Juvenile Board (2015 – 2017)

Tarrant County Volunteer Attorney Services Committee, Board Member (2015 – present)

Tarrant County Young Lawyers Association (1999 – 2004)

Texas Aggie Bar Association (2016 – present)

Texas Bar Foundation (2015 – present)
Fellow (2015 – 2018)
Life Fellow (2018 – present)

10. Bar and Court Admission:

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Texas, 1999

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Fifth Circuit, 2008
United States District Court for the Northern District of Texas, 2000
United States District Court for the Southern District of Texas, 2004
United States Court of Federal Claims, 2004

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Burleson, Texas High School Job Shadowing Program, Volunteer (2002 – 2004)

Fort Worth Civic Society (2015 – present)

Fort Worth Civil War Roundtable (2009 – present)

A.M. Pate, Jr. Book Award in Civil War History Selection Committee
(2011 – present)

Fort Worth Main Street Lunch Group (2015 – present)

Knights of Columbus, St. Patrick's Cathedral Council 14679 (2010 – present)

Mistletoe Heights Neighborhood Association, Volunteer Co-Block Representative
(2008 – present)

YMCA of Metropolitan Fort Worth, Volunteer Youth Sports Coach (2009 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

The Knights of Columbus is a Catholic fraternal organization limited to men, although there is a corresponding organization for women. In addition, it is my understanding that many YMCA organizations, possibly including at least some parts of YMCA of Metropolitan Fort Worth, previously discriminated on the basis of sex and race decades before I became involved in the organization. Otherwise, to the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical

implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have located the following documents issued by the Texas Radiation Advisory Board (TRAB) during my service from approximately August 2011 to February 2015.

Advisory Statement on the Proposed Changes to 10 CFR Part 20, Nov. 11, 2014. Copy supplied.

Advisory Statement on Sealed Source Disposal, Oct. 14, 2014. Copy supplied.

Advisory on National Radiation Dose Registry for Patient Exposure during Healthcare Procedures, Oct. 2014. Copy supplied.

Advisory Statement on Storage of Spent Nuclear Fuel in Texas, Sept. 2014. Copy supplied.

Cone Beam Computer Tomography, Sept. 2014. Copy supplied.

Annual Report, May 23, 2014. Copy supplied.

Resolution to Commemorate the 50th Anniversary of the Agreement between the State of Texas and the U.S. Nuclear Regulatory Commission, Mar. 2013. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Testimony of Nominee Mark Pittman, Texas Senate Nominations Committee (May 11, 2017).

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

November 19, 2018: Speaker, Swearing-In Ceremony, Second Court of Appeals, Fort Worth, Texas. I administered the oath of admission for new lawyers who passed the Texas bar in August. I have no notes, transcript, or recording. The address of the Second Court of Appeals is 401 West Belknap, Suite 9000, Fort Worth, Texas 76196.

October 31, 2018: Speaker, Swearing-In Ceremony, Second Court of Appeals, Fort Worth, Texas. I provided informal, impromptu remarks at the swearing-in ceremony of the Honorable Christopher Wolfe, Judge, 213th District Court, Tarrant County, Texas. I have no notes, transcript, or recording. The address of the Second Court of Appeals is 401 West Belknap, Suite 9000, Fort Worth, Texas 76196.

September 7, 2018: Speaker, 2018 Federalist Society Texas Chapters Conference, Federalist Society, Fort Worth, Texas. Notes supplied.

June 20, 2018: Introductory Speaker, Introduction of Speaker, Bi-Monthly Meeting, Federalist Society, Fort Worth Lawyers Chapter, Fort Worth, Texas. Notes supplied.

May 14, 2018: Speaker, Swearing-In Ceremony, Second Court of Appeals, Fort Worth, Texas. Notes supplied.

April 20, 2018: Panel Speaker, 2018 Bench/Bar Conference, Tarrant County Bar Association, Horseshoe Bay, Texas. I was part of a judicial panel speaking on practice tips in litigation. I have no notes, transcript, or recording. The address of the Tarrant County Bar Association is 1315 Calhoun Street, Fort Worth, Texas 76102.

March 22, 2018: Award Presenter, 2018 Tarrant County Bar Association Court Staff Awards, Tarrant County Bar Association, Fort Worth, Texas. I presented an award. I have no notes, transcript, or recording. The address of the Tarrant County Bar Association is 1315 Calhoun Street, Fort Worth, Texas 76102.

March 22, 2018: Speaker, Investiture Ceremony of Justice J. Wade Birdwell
Second Court of Appeals, Fort Worth, Texas. Notes supplied.

February 23, 2018: Speaker, Trial Academy, Texas Association of Defense
Counsel, Fort Worth, Texas. I spoke to a group of new lawyers and provided tips
for successful trial advocacy. I have no notes, transcript, or recording. The address
of the Texas Association of Defense Counsel is 400 West 15th Street, Suite 420,
Austin, Texas 78701.

January 24, 2018: Moderator, Monthly Meeting, Fort Worth Republican Women
Club, Fort Worth, Texas. Notes supplied.

November 16, 2017: Speaker, Swearing-In Ceremony, Second Court of Appeals,
Fort Worth, Texas. Notes supplied.

October 3, 2017: Speaker, 125th Anniversary of the Second Court of Appeals,
Second Court of Appeals, Fort Worth, Texas. I introduced special guests and
former Chief Justice John Hill. I have no notes, transcript, or recording. The
address of the Second Court of Appeals is 401 West Belknap, Suite 9000, Fort
Worth, Texas 76196.

September 26, 2017: Speaker, Investiture Ceremony of Hon. Josh Burgess, Judge,
352nd District Court, Fort Worth, Texas. Notes supplied.

September 6, 2017: Speaker, Monthly Meeting, Denton County Pachyderm Club,
Denton, Texas. Notes and PowerPoint supplied.

June 23, 2017: Speaker, Monthly Meeting, Fort Worth Breakfast Club, Fort
Worth, Texas. Notes and PowerPoint supplied.

April 12, 2017: Speaker, Quarterly Meeting, Appellate Section, Tarrant County
Bar Association, Fort Worth, Texas. I spoke as part of a panel of new appellate
justices. I have no notes, transcript, or recording. The address of the Tarrant
County Bar Association is 1315 Calhoun Street, Fort Worth, Texas 76102.

April 7, 2017: Speaker, Bench/Bar Conference, Denton County Bar Association,
Graford, Texas. Notes and PowerPoint supplied.

March 28, 2017: Panel Speaker, Quarterly Meeting, Business Litigation Section,
Tarrant County Bar Association, Fort Worth, Texas. I spoke as part of a panel of
new judges and provided tips for successful law practice. I have no notes,
transcript, or recording. The address of the Tarrant County Bar Association is
1315 Calhoun Street, Fort Worth, Texas 76102.

March 27, 2017: Speaker, Monthly Meeting, Cooke County Republican Party,

Gainesville, Texas. I introduced myself as a newly appointed justice on the Second Texas Court of Appeals and provided informal remarks. I have no notes, transcript, or recording. The Cooke County Republican Party is located at 701 East California Street #304, Gainesville, Texas 76240.

March 23, 2017: Presenter, 2017 Tarrant County Bar Association Court Staff Awards, Tarrant County Bar Association, Fort Worth, Texas. I presented an award. I have no notes, transcript, or recording. The Tarrant County Bar Association is located at 1315 Calhoun Street, Fort Worth, Texas 76102.

February 22, 2017: Speaker, Monthly Meeting, Fort Worth Republican Women Club, Fort Worth, Texas. Notes and PowerPoint supplied.

December 6, 2016: Speaker, Uncontested Divorce Clinic, Tarrant County Volunteer Attorney Services, Fort Worth, Texas. I welcomed and thanked attorney volunteers at a pro bono clinic. I have no notes, transcript, or recording. The address of Tarrant County Volunteer Attorney Services is 1315 Calhoun Street, Fort Worth, Texas 76102.

November 8, 2016: Introductory Speaker, Monthly Meeting, Eldon B. Mahon Inn of Court, Fort Worth, Texas. Notes supplied.

Spring 2016 (approximately): Speaker, Law School Class, Texas A&M University School of Law, Fort Worth, Texas. Notes supplied.

March 31, 2016: Speaker, Court Staff Education/Training Seminar, Tarrant County Bar Association, Fort Worth, Texas. Notes supplied.

February 24, 2016: Panel Speaker, Monthly Meeting, Tarrant County Trial Lawyers Association, Fort Worth, Texas. I spoke on practice in the civil courts in Tarrant County, Texas. I have no notes, transcript, or recording. The address of the Tarrant County Trial Lawyers Association is 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

December 18, 2015: Speaker, December 2015 Law School Graduation, Texas A&M University School of Law, Fort Worth, Texas. Notes and press coverage supplied.

November 17, 2015: Speaker, Uncontested Divorce Clinic, Tarrant County Volunteer Attorney Services, Fort Worth, Texas. I welcomed and thanked attorney volunteers at a pro bono clinic. I have no notes, transcript, or recording. The address of Tarrant County Volunteer Attorney Services is 1315 Calhoun Street, Fort Worth, Texas 76102.

September 15, 2015: Speaker, Wills and Estates Clinic, Tarrant County Volunteer Attorney Services, Fort Worth, Texas. I welcomed and thanked attorney

volunteers at a pro bono clinic. I have no notes, transcript, or recording. The address of Tarrant County Volunteer Attorney Services is 1315 Calhoun Street, Fort Worth, Texas 76102.

September 8, 2015: Panel Speaker, Monthly Meeting, Eldon B. Mahon Inn of Court, Fort Worth, Texas. I was part of a panel of former law clerks for the late Judge Eldon B. Mahon. I have no notes, transcript, or recording. The address of the Eldon B. Mahon Inn of Court is 1315 Calhoun Street, Fort Worth, Texas 76102.

Summer 2015 (approximately): Introduction of Speakers, Bi-Monthly Meeting, Federalist Society, Fort Worth Lawyers Chapter, Fort Worth, Texas. Notes supplied.

June 17, 2015: Moderator, Monthly Meeting, Arlington Bar Association, Arlington, Texas. I moderated a talk given by U.S. District Judge Reed O'Connor regarding tips for practicing in federal court. I have no notes, transcript, or recording. The address of the Arlington Bar Association is Post Office Box 882, Arlington, Texas 76004.

April 20, 2015: Speaker, Family Law Clinic, Tarrant County Volunteer Attorney Services, Fort Worth, Texas. I welcomed and thanked attorney volunteers at a pro bono clinic. I have no notes, transcript, or recording. The address of Tarrant County Volunteer Attorney Services is 1315 Calhoun Street, Fort Worth, Texas 76102.

April 15, 2015: Speaker, Monthly Meeting, Arlington Bar Association, Arlington, Texas. Notes supplied.

April 1, 2015: Panel Speaker, Brown Bag Seminar, Tarrant County Bar Association, Fort Worth, Texas. I spoke as part of a judicial panel regarding ethics in litigation. I have no notes, transcript, or recording. The address of the Tarrant County Bar Association is 1315 Calhoun Street, Fort Worth, Texas 76102.

February 26, 2015: Speaker, Investiture Ceremony of Hon. Mark T. Pittman, Judge, 352nd District Court, Fort Worth, Texas. Notes supplied.

February 11, 2015: Speaker, Quarterly Meeting, Business Litigation Section, Tarrant County Bar Association, Fort Worth, Texas. I spoke on practice in the 352nd District Court. I have no notes, transcript, or recording. The address of the Tarrant County Bar Association is 1315 Calhoun Street, Fort Worth, Texas 76102.

January 2015 (approximately): Introductory Speaker, Monthly Meeting, Fort Worth Republican Women Club, Fort Worth, Texas. Notes supplied.

January 2013 (approximately): Speaker, Careers in Law, Longhorn Council of the Boy Scouts of America, Weatherford, Texas. I spoke on practicing law for the federal government. I have no notes, transcript, or recording. The address of the Longhorn Council of the Boy Scouts of America is 850 Cannon Drive, Hurst, Texas 76054.

May 2008 (approximately): Speaker, Annual CLE Program for Federal Government Attorneys, United States Attorney's Office, Northern District of Texas, Dallas, Texas. I provided tips to government attorneys to improve legal writing. I have no notes, transcript, or recording. The address of the U.S. Attorney's Office is 1100 Commerce Street, 3rd Floor, Dallas, Texas 75342.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Perry Cockrell, *Profile of Judge Mark Pittman*, Tarrant County Bar Association Bulletin, July/August 2015. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

From January 2015 to January 2017, I served as district judge for the 352nd District Court in Tarrant County, Texas. I was appointed to this position to fill an unexpired term for a vacant seat on this court on January 8, 2015 by Governor Rick Perry. I was later unanimously confirmed to this position by the Texas Senate. On November 8, 2016, I was elected, without opposition, to a full four-year term to begin on January 1, 2017. The 352nd District Court has original jurisdiction in all civil and tax matters in which the amount of money or damages involved is \$200 or more.

From January 2017 to the present, I have served as an Associate Justice on the Second Texas Court of Appeals. I was appointed to fill an unexpired term for a vacant seat on this court on January 6, 2017 by Governor Greg Abbott. I was later unanimously confirmed to this position by the Texas Senate. On November 9, 2018, I was elected, without opposition, to a full six-year term beginning January 1, 2019. The court has appellate jurisdiction over appeals and original proceedings arising from district and county courts in 12 Texas counties: Archer, Clay, Cooke, Denton, Hood, Jack, Montague, Parker, Tarrant, Wichita, Wise, and Young. These cases include all types of civil and criminal appeals, except where the death penalty has been imposed.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

As a district judge of the 352nd District Court from 2015 to 2017, I presided over

a docket of approximately 1,100 to 1,200 civil lawsuits, of which an estimated 76 went to bench or jury trial. As a justice on the Second Texas Court of Appeals from 2017 to the present, I have been on the appellate panel for over 700 civil or criminal appeals.

i. Of these, approximately what percent were:

jury trials:	24%
bench trials:	76% [total 100%]
civil proceedings:	100%
criminal proceedings:	0% [total 100%]

b. Provide citations for all opinions you have written, including concurrences and dissents.

Texas trial courts do not issue written opinions. Westlaw has made available some written orders that I issued as a trial court judge, which I have listed in Appendix 12(b). That Appendix also lists the majority, concurring, and dissenting opinions that I have authored as a justice on the Second Texas Court of Appeals.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *United Food and Commercial Workers Int'l Union, et al. v. Wal-Mart Stores, Inc.*, Cause No. 352-266419-13 (352nd Dist. Ct., Tarrant County), *aff'd* 2016 WL 6277370 (Tex. App.—Fort Worth Oct. 27, 2016, pet. denied)

This litigation involving a coalition of various labor organizations and Wal-Mart. The dispute concerned whether the labor organizations could conduct demonstrations against Wal-Mart within its stores and upon its parking lots. After conducting a hearing, I granted summary judgment in favor of Wal-Mart and entered a permanent injunction enjoining the Labor Organizations from demonstrating on Wal-Mart's private properties. My ruling was affirmed by the Second Texas Court of Appeals.

Counsel for Wal-Mart:

Peter S. Wahby
Greenberg Traurig LLP
2200 Ross Avenue, Suite 5200
Dallas, Texas 75201
(214) 665-3600

Steven D. Wheelless

Steptoe & Johnson, LLP
201 East Washington, Street, Suite 1600
Phoenix, Arizona 85005
(602) 257-5234

Marshall M. Searcy, Jr.
Kelly, Hart & Hallman, LLP
201 Main Street, #2500
Fort Worth, Texas 76102
(817) 332-2500

Counsel for Labor Organizations:

Rod Tanner
Tanner and Associates
6300 Rigma Plaza, #407
Fort Worth, Texas 76116
(817) 377-8833

G. William Baab
Baab & Denison, LLP
12001 North Central Expressway, # 650
Dallas, Texas 75243
(214) 637-0750

2. *Andrew M. and Cynthia M., both Individually and as Guardians to C.M., a Minor Child v. Antonio Sison, M.D. and Heidi Christine Knowles, M.D., Cause No. 352-277588-15 (352nd Dist. Ct., Tarrant County), aff'd 2017 WL 3974356 (Tex. App.—Fort Worth Sept. 7, 2017, pet. denied) (mem. op.)*

Under the Texas Medical Liability Act (TMLA), when a plaintiff files a healthcare liability claim, she must serve each defendant with an expert report and a curriculum vitae of the report's author. The report must be written by an expert qualified to give an opinion on the matters in the report, must inform the defendant of the conduct called into question, and must provide a basis for the trial court to determine that the plaintiff's claim has merit. Otherwise, the plaintiff's claim must be dismissed. I denied the defendants' motion to dismiss the plaintiffs' healthcare liability claims against them based on alleged inadequacies in the plaintiffs' expert witness reports. My ruling was affirmed by the Second Texas Court of Appeals.

Counsel for Plaintiffs:

Todd Turner
Turner Law Firm
1200 Summit Avenue, # 800
Fort Worth, Texas 76102
(817) 878-2700

Counsel for Defendants:

Judge D. Michael Wallach
Then with Wallach & Moore, P.C.
Tom Vandergriff Civil Courts Building - 3rd Floor
100 North Calhoun Street
Fort Worth, Texas 76196
(817) 884-2715

3. *Elte v. State*, 551 S.W.3d 783 (Tex. App.—Fort Worth 2017), *aff'd*, 2018 WL 4472667 (Tex. Crim. App. Sept. 19, 2018)

The controlling issue in this appeal was whether to uphold the jury's verdict of ten years' confinement and a \$10,000 fine or to invalidate the jury's decision to impose the fine based upon the trial judge's omission of the fine from its oral pronouncement of sentence. The written jury verdict and the trial judge's matching oral recitation of the jury verdict, read aloud and accepted in defendant's presence, reflected the \$10,000 fine, as did the written judgment signed the next day and the bill of costs. The opinion therefore "harmonize[d] the record" and upheld the jury's verdict of ten years' confinement and a \$10,000 fine. This decision was affirmed by the Texas Court of Criminal Appeals.

Counsel for the State of Texas:

Steven Condor
Assistant Criminal District Attorney
Tarrant County, Texas
401 West Belknap Street
Fort Worth, Texas 76102
(817) 884-1400

Counsel for Defendant:

Eric Labovitz
Labovitz Law Firm
5840 West Interstate 20, Suite 138
Arlington, Texas 76107
(817) 803-2844

4. *Watts Regulator Co. v. Texas Farmers Insurance Company as Subrogee of David Martinez*, Cause No. 352-277555-15 (352nd Dist. Ct., Tarrant County), *aff'd*, 498 S.W. 3d 643 (Tex. App.—Fort Worth June 9, 2016, pet. granted, judgment vacated w.r.m.)

This case concerned whether a products manufacturer could compel arbitration of an insurance company's claims against it as the subrogee of its insured who had allegedly suffered property damage from the manufacturer's products. I denied the product manufacturer's motion to compel arbitration based on the insurance

company's timely withdrawal from the arbitration agreement. My ruling was affirmed by the Second Texas Court of Appeals.

Counsel for Plaintiffs:

Charles B. Mitchell
Naman, Howell, Smith & Lee, PLLC
Fort Worth Club Building
306 West 7th Street, Suite 405
Fort Worth, Texas 76102
(817) 509-2040

Counsel for Defendant:

Gino J. Rossini
Thompson, Coe, Cousins & Irons, LLP
Plaza of the Americas
700 North Pearl Street, 25th Floor
Dallas, Texas 75201
(214) 871-8219

5. *T.C. v. Kayass*, 535 S.W.3d 169 (Tex. App.—Fort Worth 2017, no pet.)

This case concerned whether a plaintiff is required to file an expert witness report pursuant to section 74.351 of the Texas Medical Liability Act ("TMLA") where a mother alleged she had been sexually assaulted by a physician at an urgent care clinic while seeking medical treatment for her children. Examining the TMLA and holding that the alleged sexual assault did not involve medical treatment or a lapse in the professional judgment of the physician, the opinion held that the mother's claims against the physician were not health care liability claims as defined by the statute and were not subject to the TMLA's expert witness report mandate.

Counsel for T.C.:

Jason Smith
The Law Offices of Jason Smith
600 8th Avenue
Fort Worth, Texas 76104
(817) 334-0880

Counsel for Kayass:

Jason Braich
The Willis Law Group, PLLC
10440 North Central Expressway, #520
Dallas, Texas 75231
(214) 736-9433

6. *Rich v. Range Resources Corporation*, 535 S.W.3d 610 (Tex. App.—Fort

Worth 2017, pet. denied)

The court of appeals examined whether the award of a certain amount of sanctions is mandatory when a legal action is dismissed under the Section 27.009 of The Texas Citizens Participation Act (TCPA). The court found that although the award of sanctions is mandatory for the dismissal of a legal action under the TCPA, the statute gave the trial court “discretion to determine the sanction amount that is required to deter the party who brought the legal action from bringing similar actions in the future.” Thus, the opinion held that although the trial court did not have discretion to not award sanctions upon dismissal, the trial court could, in its discretion, find that a nominal amount of sanctions was sufficient to deter the filing of future actions.

Counsel for Rich:

Donald Godwin
Godwin, Bowman & Martinez, P.C.
1201 Elm Street, Suite 1700
Dallas, Texas 75270
(214) 939-4412

Counsel for Range Resources:

Andrew Sims
Harris, Finley & Bogle
777 Main Street, Suite 1800
Fort Worth, Texas 76102
(817) 870-8700

7. *Philip Ferrant v. The Independent Order of Foresters*, Cause No. 352–267026–13 (352nd Dist. Ct., Tarrant County), *aff’d*, 2017 218287 (Tex. App.—Fort Worth Jan. 19, 2017)

This was a dispute involving the interpretation of an indemnification provision contained in the constitution of the plaintiff, a fraternal benefit society. The defendant was one of the society’s members. I granted summary judgment in favor of the plaintiff and held that the indemnification provision did not require the plaintiff to indemnify the defendant of all expenses reasonably incurred by the defendant in defending himself in a suit between the plaintiff and the defendant. My ruling was affirmed by the Second Texas Court of Appeals.

Counsel for Plaintiff:

Lars Berg
Kelly, Hart & Hallman, P.C.
201 Main Street, #2500
Fort Worth, Texas 76102
(817) 332-2500

Counsel for Defendant:
Charles “Chad” Baruch
Johnston Tobey Baruch, P.C.
3308 Oak Grove Avenue
Dallas, Texas 75204
(214) 217-8804

8. *Prescription Health Network, LLC v. Adams*, 2017 WL 1416875 (Tex. App.—Fort Worth, Apr. 20, 2017, pet. denied)

This decision addressed whether non-articulated grounds, not found in the text of the Federal Arbitration Act (FAA), could be used as a basis to vacate an arbitration award. The appellant argued that an arbitration award should be vacated where the arbitration panel allegedly acted with “manifest disregard” when it determined that Texas law applied to certain claims, but then applied Florida law. The opinion found that the doctrine of “manifest disregard” was a judicially created grounds to vacate an arbitration award that was not one of the four stated grounds found in the FAA.

Counsel for Prescription Health Network, LLC:
Thomas Jack
Hartline Dacus Berger Breyer, LLP
8750 North Central Expressway, #1600
Dallas, Texas 75231
(214) 369-2100

Counsel for Adams:
Mary Goodrich Nix
Holland & Knight, LLP
200 Crescent Court, #1600
Dallas, Texas 75201
(214) 964-9500

9. *Carl D. Woodard and Timothy D. Woodard v. Rotorcraft Services Group, Inc.*, Cause No. 352-274417-14 (352nd Dist. Ct., Tarrant County), *dism’d by agr.*, 2015 WL 8239317 (Tex. App.—Fort Worth Dec. 5, 2015)

This dispute involved whether the trial court had authority to vacate an arbitration award on the basis that the defendant had, among other things, objected to the arbitration being conducted by a sole arbitrator rather than a three-member panel. I denied the motion to vacate the arbitration award and confirmed the arbitration. My decision was appealed but later dismissed by agreement by the Second Texas Court of Appeals.

Counsel for Rotorcraft Services Group, Inc.:
Marshall M. Searcy, Jr.

Kelly, Hart & Hallman, LLP
201 Main Street, #2500
Fort Worth, Texas 76102
(817) 332-2500

Counsel for Timothy Woodward:

Bruce L. James
Whitaker Chalk Swindle & Schwartz, PLLC
301 Commerce Street, Suite 3500
Fort Worth, Texas 76102
(817) 878-0500.

Counsel for Carl Woodward:

Michael E. McCue
Meadows, Collier, Reed, Cousins, Crouch & Ungerman, L.L.P.
901 Main Street, Suite 3700
Dallas, Texas 75202
(214) 744-3700

10. *Knadyia Washington v. Texas Health Harris Methodist Hospital Fort Worth*, Cause No. 352-280763-15 (352nd Dist. Ct., Tarrant County), *petition for mandamus denied*, 2016 WL 5799760 (Tex. App.—Fort Worth, Oct. 6, 2016)

The issue in this case was whether the plaintiff, who was allegedly injured and suffered a loss of earnings and earning capacity due to the defendant medical provider's negligence, was required to produce records of her tax records and disability claims in pre-trial discovery. I ruled that the defendant was entitled to redacted versions of these documents and the plaintiff sought a writ of mandamus to reverse my decision from the court of appeals. The Second Texas Court of Appeals declined to issue a writ of mandamus.

Counsel for Plaintiff:

Ed Krieger
Wormington & Bollinger
212 E Virginia Street
McKinney, Texas 75069
(972) 569-3930

Counsel for Defendant:

Grant D. Blaies
Blaies & Hightower, LLP
421 West 3rd Street, Suite 900
Fort Worth, Texas 76102
(817) 334-0800

- d. For each of the 10 most significant opinions you have written, provide: (1)

citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *State v. Binkley*, 541 S.W.3d 923 (Tex. App.—Fort Worth, 2018, no pet.)

Counsel for State:

Don Schnebly
Parker County District Attorney
117 Fort Worth Highway
Weatherford, Texas 76086
(817) 585-6124

Counsel for Defendant:

Leigh Davis
101 Summit Avenue, #318
Fort Worth, Texas 76102
(817) 332-2121

2. *Ellis v. State*, 535 S.W.3d 209 (Tex. App.—Fort Worth 2017, pet. ref'd)

Counsel for State:

Landon Wade
Assistant Criminal District Attorney
401 West Belknap Street
Fort Worth, Texas 76102
(817) 884-1400

Counsel for Defendant:

Justin Sparks
Sparks Law Firm
603 East Belknap Street
Fort Worth, Texas 76102
(817) 334-0300

3. *Hawkins v. State*, 551 S.W.3d 764 (Tex. App.—Fort Worth 2017, pet. ref'd)

Counsel for State:

Steven Condor
Assistant Criminal District Attorney
401 West Belknap Street
Fort Worth, Texas 76102
(817) 884-1400

Counsel for Hawkins:

Abe Factor
Factor, Campbell & Collins
5729 Airport Freeway
Fort Worth, Texas 76117
(817) 222-3333

4. *Warren v. State*, 2018 WL 3764069 (Tex. App.—Fort Worth Aug. 9, 2018, no pet. h.)

Counsel for State:
Joseph W. Spence
Assistant Criminal District Attorney
401 West Belknap Street
Fort Worth, Texas 76102
(817) 884-1400

Counsel for Defendant:
J. Warren St. John
The Law Offices of J. Warren St. John
801 Cherry Street, Suite 2020, Unit #5
Fort Worth, Texas 761025
(817) 336-1436

5. *DeAngelis v. Protective Parents Coalition*, 556 S.W.3d 839 (Tex. App.—Fort Worth Aug. 2, 2018)

Counsel for DeAngelis and Griffith:
Jim Ross
Jim Ross Law Group, P.C.
2301 East Lamar Boulevard, #175
Arlington, Texas 76006
(817) 264-7742

Counsel for Holly Carless:
Jason Smith
The Law Offices of Jason Smith
600 8th Avenue
Fort Worth, Texas 76104
(817) 334-0880

Counsel for Protective Parent Coalition, Olson, Logsdon, Peery, and Howard:
Gregory B. Westfall
Westfall Sellers
1701 River Run, Suite 801
Fort Worth, Texas 76107
(817) 928-4222

6. *Lane v. Phares*, 544 S.W.3d 881 (Tex. App.—Fort Worth 2018, no pet.)

Counsel for Lane:

Adam T. Whitten
Whitten & Whitten, PLLC
218 North Elm Street
Denton, Texas 76201
(940) 383-1618

Counsel for Phares:

Lindsey M. Rames
Rames Law Firm, P.C.
5555 Apollo Drive
Dallas, Texas 75237
(214) 894-8860

7. *Town of Shady Shores v. Swanson*, 544 S.W.3d 426 (Tex. App.—Fort Worth, pet. filed)

Counsel for Town of Shady Shores:

Thomas P. Brandt
Fanning, Harper, Martinson, Brandt, & Kutchin, P.C.
4849 Greenville Avenue, #1300
Dallas, Texas 75206
(214) 369-1300

Counsel for Swanson:

Grace Weatherly
Wood, Thacker, & Weatherly, P.C.
400 West Oak Street, #310
Denton, Texas 76201
(940) 565-6565

8. *Guardianship of A.E.*, 552 S.W.3d 873, 876 (Tex. App.—Fort Worth 2018, no pet.)

Attorney for A.E.'s Parents:

Law Office of Stephen E. Dubner
2605 Sagebrush Drive
Suite 209
Flower Mound, Texas 75028
(214) 257-8818

Attorney Ad Litem for A.E.:

Mary H. Barkley

Cantey Hanger LLP
600 West 6th Street
Suite 300
Fort Worth, Texas 76102
(817) 877-2889

Attorney for Amicus Cook Children's Health Care System:

Rickey Brantley
Rickey J. Brantley Law
855 Texas Street, Suite 100
Fort Worth, Texas 76102-4574
(817) 882-8220

9. *Emerson Electric Co. v. Johnson*, 2018 WL 5074702 (Tex. App.—Fort Worth Oct. 18, 2018, no pet. his.)

Counsel for Johnson:

Jeffrey S. Levinger
Levinger, P.C.
1700 Pacific Avenue Suite 2390
Dallas, Texas 75201
(214) 855-6817

Counsel for Emerson Climate Technologies, Inc. and Emerson Electric Co. d/b/a Fusite:

David M. Gunn
Beck Redden, LLP
1221 McKinney Street
Suite 4500
Houston, Texas 77010
(713) 951-6290

Counsel for United States Liability Insurance Company:

Jeffrey S. Reddall
Law Office of Jeffrey S. Reddall
1 Sugar Creek Center Boulevard, #925
Sugar Land, Texas 77478
(281) 242-6010

10. *Severs v. Mira Vista Homeowners Assn., Inc.*, 559 S.W.3d 413 (Tex. App.—Fort Worth Sept. 6, 2018, pet. filed)

Counsel for Jeffery and Lila Severs:

Matthew W. Bobo
Matthew Bobo Law Office
4916 Camp Bowie Boulevard

Fort Worth, Texas 76107
Phone: (817) 529-0774

Counsel for Mira Vista Homeowners Association, Inc.:

Michael A. Yanof
Then with Thompson, Coe, Cousins & Irons, LLP
Lenahan Law, P.L.L.C.
2655 Villa Creek Drive, Suite 204
Dallas, Texas 75234-7311
(214) 282-2216

Counsel for Robert and Linda Gaudin:

David J. Drez, III
Wick Phillips
100 Throckmorton Street
Suite 500
Fort Worth, Texas 76102
(817) 710-1014

- e. Provide a list of all cases in which certiorari was requested or granted.

None.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

I am unaware of any instances where a decision was affirmed with significant criticism of my substantive or procedural rulings.

University of North Texas Health Science Center v. Jessica Jimenez, Cause No. 352-275721-14 (352nd Dist. Ct., Tarrant County), *rev'd*, 2017 WL 3298396 (Tex. App.—Fort Worth, pet. filed Sept. 15, 2017). This case concerned whether the trial court properly denied a motion to dismiss for lack of subject-matter jurisdiction filed by a governmental entity pursuant to Section 101.101(c) of the Texas Civil Practice and Remedies Code. Specifically, the issue was whether certain entries in medical records equated to actual notice to a government hospital of an injury to its patient—an injury that was alleged to have later led to her death. The Texas Second Court of Appeals reversed my denial of the motion to dismiss and found that the medical records did not put the hospital on notice within the meaning of Section 101.101(c) and the case should have been dismissed because the hospital was not timely put on notice of a potential tort claim. The decision of the Texas Second Court of Appeals is currently under review by the Texas Supreme Court. A copy of the order denying the motion to

dismiss is supplied.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

Pursuant to the Texas Rules of Appellate Procedure, during my tenure as an appellate justice, all of my appellate decisions in civil cases are published. Of my appellate decisions in criminal cases, I have designated five for publication and forty as “not for publication.” Both published and unpublished opinions from the Texas Second Court of Appeals are available on the court’s website and are released to the public through such databases as Westlaw and LexisNexis.

To my knowledge, Texas trial courts do not issue written opinions, but only summary orders, typically drafted by counsel in the lawsuit. During my tenure as a Texas trial court judge, I did not issue a published or unpublished opinion.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Karrenbrock v. State, 2018 WL 5289352 (Tex. App.—Fort Worth Oct. 25, 2018)

DeAngelis v. Protective Parents Coalition, 557 S.W.3d 245 (Tex. App.—Fort Worth 2018)

Town of Shady Shores v. Swanson, 544 S.W.3d 426 (Tex. App.—Fort Worth 2018, pet. filed)

State v. Binkley, 541 S.W.3d 923 (Tex. App.—Fort Worth 2018, no pet.)

Ellis v. State, 535 S.W.3d 209 (Tex. App.—Fort Worth 2017, pet. ref’d)

Ette v. State, 551 S.W.3d 783 (Tex. App.—Fort Worth 2017, pet. ref’d)

Matter of D.Y., 2017 WL 2178877 (Tex. App.—Fort Worth May 18, 2017, pet. denied)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have

come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

In Texas, judicial recusals are governed by the grounds set forth in Rule 18b(b) of the Texas Rules of Civil Procedure.

I recused myself *sua sponte* in the following lawsuits while serving as the judge of the 352nd District Court:

Maria Lourdes Gutierrez v. Kevin Garrett, Cause No. 352-266604-13(352nd Dist. Ct., Tarrant County). My brother-in-law was an attorney of record.

Patty S. Dalrymple v. William D. Altig, O.D., et al., Cause No. 352-271224-14 (352nd Dist. Ct., Tarrant County). My brother-in-law was an attorney of record.

Thomas Fry v. Flying Tire Franchise, LLC, et al., Cause No. 352-276655-15 (352nd Dist. Ct., Tarrant County). My sister-in-law was an attorney of record.

De Lage Landen Financial Services, Inc. v. Lightning Oilfield Services, Inc., et al., Cause No. 352-288939-16 (352nd Dist. Ct., Tarrant County). My sister-in-law or a member of her law firm was an attorney of record.

Larry Trammell v. Techflow, Inc., et al., Cause No. 352-289301-16 (352nd Dist. Ct., Tarrant County). My sister-in-law or a member of her law firm was an attorney of record.

Bat World Sanctuary, et al. v. Mary Cummins, Cause No. 352-248169-10 (352nd Dist. Ct., Tarrant County). I had personal knowledge of disputed evidentiary facts concerning the proceeding.

Jamal Qaddura v. Mohammed Ahmad Ghanim, et al., Cause No. 352-282685-15 (352nd Dist. Ct., Tarrant County). I had personal knowledge of disputed evidentiary facts concerning the proceeding and my impartiality could reasonably

be questioned.

Tarrant Regional Water District v. Tarrant Appraisal District, Cause No. 352-285113-16 (352nd Dist. Ct., Tarrant County). I had formed an opinion about the ultimate facts of the case prior to hearing any argument or evidence and thus my impartiality could reasonably be questioned.

Christi Schreiber, et al. v. Board of Adjudgment of the City of Fort Worth, Cause No. 352-284091-16 (352nd Dist. Ct., Tarrant County). I had personal knowledge of disputed evidentiary facts concerning the proceeding.

I was automatically recused in the following appeals while serving as a justice on the Texas Second Court of Appeals because I had previously served as a judge in all or part of underlying trial court proceedings:

Antonio Sison, M.D. et al. v. Andrew M. et al., Cause No. 02-16-00129-CV (Tex. App.—Fort Worth).

Stripe-A-Zone v. M.J. Scotch Family Ltd. P'Ship, Cause No. 02-16-00129-CV (Tex. App.—Fort Worth).

Rita Vigil v. Amy Kirkland, Cause No. 02-16-00147-CV (Tex. App.—Fort Worth).

Andre Huey-You v. Claretta Kimp, Cause No. 02-16-00172-CV (Tex. App.—Fort Worth).

University of North Texas v. Jessica Jimenez, et al., Cause No. 02-16-00368-CV (Tex. App.—Fort Worth).

Tarrant Appraisal District v. Tarrant Regional Water District, Cause No. 02-17-00042-CV (Tex. App.—Fort Worth).

In re Mohammed Ghanin, et al., Cause No. 02-17-00034-CV (Tex. App.—Fort Worth).

Dana Houser v. Casey Via, Cause No. 02-17-00054-CV (Tex. App.—Fort Worth).

Christi Schreiber, et al. v. Board of Adjudgment of the City of Fort Worth, Cause No. 02-17-00107-CV (Tex. App.—Fort Worth).

The City of Fort Worth v. Stephanie Lynn Rylie, Cause No. 02-17-00185-CV (Tex. App.—Fort Worth).

I recused myself *sua sponte* in the following appellate lawsuits while serving as a

justice on the Second Texas Court of Appeals pursuant to Rule 18b(b) of the Texas Rules of Civil Procedure, because I had personal knowledge of disputed evidentiary facts concerning the proceeding and my impartiality might reasonably be questioned:

Andre Huey-You v. Claretta Huey-You, Cause No. 02-16-00332-CV (Tex. App.—Fort Worth).

In re Russell Casey, Cause No. 02-18-00005-CV (Tex. App.—Fort Worth).

In the Interest of D.B. and G.B., Children, Cause No. 02-18-00015-CV (Tex. App.—Fort Worth).

In re Lenny Lopez, Cause No. 02-18-00028-CV (Tex. App.—Fort Worth).

FWISD v. Palazzolo, Cause No. 02-18-0205-CV (Tex. App.—Fort Worth).

In each lawsuit from which I have recused myself, the decision has been made *sua sponte* and was not requested by the formal motion of a litigant or party to the proceeding or by any other person or interested party.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

On August 24, 2011, I was appointed by Texas Governor Rick Perry to serve a six-year term as a member of the Texas Radiation Advisory Board. I resigned this position on February 13, 2015.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Reagan Legacy Republican Women of Arlington Club
Associate Member (2018)

Fort Worth Republican Women Club
Best Friend and Benefactor Member (2016 – 2018)

Tarrant County Republican Party

Volunteer Committee Member, Education & Training Committee (2012 – 2014)
Member, Lincoln Council (2018)

Greg Abbott for Attorney General
Young Lawyers Steering Committee (2001 – 2002)

Governor George W. Bush Re-Election Campaign
Volunteer (1997 – 1998)

Phil Gramm for President Campaign
Volunteer (approximately 1995 – 1996)

Phil Gramm for Senate Campaign
Volunteer (approximately 1995 – 1996)

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2000 to 2001 I served as a law clerk to the Honorable Eldon B. Mahon, United States District Court for the Northern District of Texas.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

2001 – 2004; 1999 – 2000
Kelly, Hart & Hallman, L.L.P.
201 Main Street, Suite 2500
Fort Worth, Texas 76102
Litigation Associate (1999 – 2000; 2001 – 2004)

2004 – 2007
United States Department of Justice
Civil Division, Commercial Litigation Branch, National Courts Section
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Trial Attorney

2007 – 2009

United States Attorney's Office, Northern District of Texas
Civil Division
1100 Commerce Street, 3rd Floor
Dallas, Texas 75242
Assistant United States Attorney

2009 – 2011

Federal Deposit Insurance Corporation
Division of Risk Management Supervision, Dallas Regional Office
1601 Bryan Street
Dallas, Texas 75201
Senior Attorney

2011 – 2015

United States Securities and Exchange Commission
Division of Enforcement, Fort Worth Regional Office
801 Cherry Street, 19th Floor, Unit 18
Fort Worth, Texas 76102
Enforcement Attorney

2014 – 2015

United States Attorney's Office, Northern District of Texas
Criminal Division, Economic Crimes Unit
1100 Commerce Street, 3rd Floor
Dallas, Texas 75242
Special Assistant United States Attorney

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served in this capacity.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

From 1999 to 2000 and later, after I completed my judicial clerkship, from 2001 to 2004, I served as a lawyer in private practice and represented clients at all levels of Texas courts and in several federal courts. I represented numerous clients in various types of civil lawsuits, focusing mainly on complex commercial litigation.

From 2004 to 2007, I served as a trial attorney with the Civil Division of the Department of Justice. I conducted trials and appeals in matters filed in the U.S. Court of Federal Claims, the U.S. Court of International Trade, and the U.S. Court of Appeals for the Federal Circuit involving commercial topics related to administrative agencies, government contracts, and international trade.

From 2007 to 2009, I served as an Assistant United States Attorney in the U.S. Attorney's Office for the Northern District of Texas and represented the United States in trials and appeals in civil matters filed in the U.S. District Court for the Northern District of Texas, the U.S. Courts of Appeals for the Fifth and Second Circuits, and Texas state courts.

From 2009 to 2011, I served as a senior attorney with the FDIC and my practice focused on conducting investigations and prosecuting administrative enforcement actions against banks and their affiliated parties for violations of law, unsafe and unsound practices, and breaches of fiduciary duty. I also provided legal opinions regarding the application of state and federal banking law.

From 2011 to 2015, I served as an enforcement attorney at the SEC and my practice focused on protecting investors and promoting capital formation in the securities markets by conducting investigations/civil prosecutions of violations of federal securities laws.

From 2014 to 2015, I was detailed from the SEC to the U.S. Attorney's Office for the Northern District of Texas to serve as felony prosecutor in the economic crimes unit. In this position, I prosecuted many types of white collar crime, including: mail fraud; wire fraud; bankruptcy fraud; tax fraud; money laundering; and securities fraud.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

While in private practice at Kelly, Hart & Hallman, my typical clients were local businesses and individuals involved in civil commercial disputes as plaintiffs or defendants.

As an attorney in federal government service, I represented the interests of the United States of America or its agencies in proceedings in various federal district courts, federal administrative courts, and federal courts of appeal.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of

your appearances in court varied, describe such variance, providing dates.

I spent approximately 85% of my practice in litigation. I appeared in court frequently, both in civil and criminal litigation in Texas state courts, federal district courts (including the U.S. Court of Federal Claims and U.S. Court of International Trade), federal administrative courts, and state and federal courts of appeal. My frequency in court remained consistent throughout my career.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 45% |
| 2. state courts of record: | 35% |
| 3. other courts: | 10% |
| 4. administrative agencies: | 10% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 85% |
| 2. criminal proceedings: | 15% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

Over the course of my career, I estimate that I have tried 11 cases. I estimate that I was sole or lead counsel in 25% of these cases and associate counsel in 75% of these cases.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 45% |
| 2. non-jury: | 55% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;

- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Battie*, 3:16-cr-00051-D-1 (N.D. Tex.)

Working with the FBI, the SEC, and State of California authorities, I was the lead federal prosecutor responsible for an investigation leading to the prosecution of a defendant on multiple counts of wire fraud. The defendant defrauded investors in Texas and California in connection with the fraudulent sale of real estate investments that were “pitched” to unknowing investors (mostly seniors) through “real estate” seminars at high-end restaurants. Through intermediaries, the defendant would induce victim investors to purchase mortgage notes based on material misrepresentations about the true value of the notes and the real property underlying the notes. From June 2010 to February 2014, the defendant raised approximately \$12.5 million from victim investors and caused more than \$7 million in losses, affecting at least 40 victims. Although I was no longer an AUSA at the time charges were brought, my efforts led to the successful prosecution of the case. The defendant was sentenced to ten years in federal prison.

Dates of Representation: 2014 – 2015

Presiding Judge: Hon. Sidney Fitzwater

Co-counsel:

Nick Bunch
U.S. Attorney’s Office
1100 Commerce, 3rd Floor
Dallas, Texas 75242
(214) 659-8600

Counsel for Defendant:

Paul C. Looney
Looney & Conrad
11767 Katy Freeway, Suite 740
Houston, Texas 77079
(281) 597-8818

2. *Securities and Exchange Commission v. Halek, et al.*, 3:14-cv-01106-D (N.D. Tex.)

This case was the culmination of an investigation of an oil and gas Ponzi scheme. Using a variety of false tactics and offering documents, the lead defendant used straw men to sell more than \$5.5 million in fraudulent oil and gas working interests to over 100 unknowing

investors. Because of the investigation and subsequent lawsuit, all defendants entered consent judgments in favor of the SEC. I handled the underlying investigation and some of the pre-trial matters.

Dates of Representation: 2011 – 2014

Presiding Judge: Hon. Sidney Fitzwater

Co-counsel:

Jennifer Brandt
Securities and Exchange Commission
801 Cherry Street, 19th Floor, Unit 18
Fort Worth, Texas 76102
(817) 978-3821

Counsel for Defendants:

H. Joseph Acosta
Fisher Broyles, LLP
4514 Cole Avenue, Suite 600
Dallas, Texas 75205
(214) 614-8939

Jeff Ansley
Bell Nunnally & Martin LLP
2323 Ross Avenue #190
Dallas, Texas 75201
(214) 740-1499

3. *In the Matter of Timothy Thissen*, FDIC-10-541e; *In the Matter of John Kammeier*, FDIC-10-543e; *In the Matter of Greg Bell*, FDIC-10-551e; *In the Matter of Robert Brunner*, FDIC-10-540e; *In the Matter of Jack Renfro*, FDIC-10-544e, *In the Matter of Larry Seastrom*, FDIC-10-539e.

These were administrative actions filed by the FDIC against six individuals who were officers or directors of the New Frontier Bank in Greeley, Colorado. When the bank failed in 2009, it had over \$2 billion in assets. As a senior attorney at the FDIC, I was the co-lead attorney of an investigation into the fraudulent actions of the officers and directors that contributed to the bank's failure from approximately October 2009 to May 2010. The bank failed in part because it had been "loaning" money to its major creditors to buy stock in the bank to make it appear to federal regulators that the bank had significant capital. The scheme eventually collapsed and led to the bank's failure. The FDIC's prosecution of these individuals led to their ban from banking.

Dates of Representation: 2014 – 2015

Presiding Judge: Because these were ultimately resolved via agreed administrative orders, I do not know the name of the administrative judge(s) that signed the ultimate orders.

Co-counsel:

Richard Ott
FDIC
6060 Primacy Parkway, Suite 300
Memphis, Tennessee 38119
(901) 685-1603

Counsel for Bank Defendants and Officers:

John Halpern
Holland & Hart, LLP
555 17th Street, Suite 3200
Denver, Colorado 80202
(303) 947-6660

4. *Bland v. Lahood*, 2010 WL 1328148 (N.D. Tex. Jan. 8, 2010)

I was lead counsel in this employment suit against the Federal Aviation Administration for age discrimination and retaliation that I was assigned with less than ninety days before trial. After several rounds of pre-trial briefing and intense discovery conducted in a short window, the court conducted a three-week bench trial involving multiple witnesses from across the country and ultimately found that the evidence adduced at trial did not show that the plaintiff was discriminated against due to his age and did not suffer retaliation.

Dates of Representation: 2008 – 2009

Presiding Judge: Hon. Barbara M.G. Lynn

Co-counsel:

James Laurence
Then with the U.S. Attorney's Office
Retired, current contact information unknown

Opposing Counsel:

Brian P. Sanford
Sanford Law Firm
1910 Pacific Avenue, Suite 15400
Dallas, Texas
(214) 717-6653

5. *United States v. Stephens, et al.*, 2009 WL 1422574 (N.D. Tex. May 19, 2009)

I represented the United States in a lawsuit to enforce its flood easement around Proctor Lake in Comanche County, Texas under Tex. Prop. Code Section 22.01. In 1961, the U.S. Army Corps of Engineers acquired an easement for flood control purposes around Proctor Lake. After flooding in 2007, the United States, for public safety reasons, sought to enforce its easement. The defendants had encroached upon the easement, creating a danger to themselves and others in the event of future flooding. I successfully argued for the enforcement of the easement.

Dates of Representation: 2009

Presiding Judge: Hon. John H. McBryde

Opposing Counsel:

Geff Anderson
Anderson & Riddle, LLP
1604 8th Avenue
Fort Worth, Texas 76110
(817) 334-0059

6. *Home Health Licensing Specialists, Inc. v. Leavitt*, 2008 WL 4830543 (N.D. Tex. Nov. 7, 2008)

I defended federal government contractors and officials of the U.S. Dept. of Health and Human Services (“HHS”), including the Secretary of HHS, against “class actions” brought by health care providers challenging the methods used by Medicare to seek reimbursement of overpayments and to certify home healthcare providers. The district court adopted favorable interpretations of HHS regulations which prevented frivolous administrative challenges in the Medicare reimbursement and home healthcare certification process.

Dates of Representation: 2008 – 2009

Presiding Judge: Hon. Jane J. Boyle

Opposing Counsel:

Mark Kennedy
Mark S. Kennedy, P.C.
222 Merit Drive, Suite 1750
Dallas, Texas 75251
(214) 445-0740

7. *Lincoln General Insurance Co. v. United States*, 412 F. Supp. 2d 1320 (Ct. Int’l Trade 2005)

The case concerned the U.S. Department of Commerce’s discretion under 28 U.S.C. § 1581 to rescind the administrative review of antidumping duties for an exporter of garlic

from China based on a challenge from the surety for the imported garlic. I represented the United States and presented briefing and oral arguments leading to a decision in favor of the United States that protected its discretion to rescind reviews of antidumping import duties.

Dates of Representation: 2004 – 2005

Presiding Judge: Hon. R. Kenton Musgrave

Opposing Counsel:

T. Randolph Ferguson
Sandler, Travis & Rosenberg, P.A.
505 Sansome Street
San Francisco, California 94111
(415) 490-1401

8. *LABAT Anderson, Inc. v. United States*, 65 Fed. Cl. 570 (2005)

This government contracting lawsuit was filed in the U.S. Court of Federal Claims by a defense contractor seeking injunctive relief against the United States related to the provision of ordinance to U.S. Marines in Iraq and Afghanistan from the Marine Corps Air Station in Cherry Point, North Carolina. I represented the United States during an intense two-week period that resulted in a favorable decision involving the federal government's application of Office Management and Budget Circular A-76. This was an issue of first impression that concerned the extent to which the United States could terminate a contract and utilize federal employees over private contractors during wartime.

Dates of Representation: 2004 – 2005

Presiding Judge: Hon. Robert H. Hodges, Jr.

Opposing Counsel:

Thomas L. McGovern
Hogan Lovells
555 13th Street NW
Washington, D.C. 20004
(202) 637-5784

9. *United States v. Aegis Security Insurance Co.*, 398 F. Supp. 2d 1354 (Ct. Int'l Trade. 2005)

In this case, I represented the United States in its civil prosecution of a surety to recover unpaid duties and penalties on imported products. The surety challenged the ability of the United States to collect such duties and penalties before the completion of underlying administrative proceedings involving the imported goods. I successfully argued for the

denial of the surety's motion to dismiss which resulted in guidance to the U.S. Department of Commerce in similar cases.

Dates of Representation: 2004 – 2005

Presiding Judge: Hon. Jane Restani

Opposing Counsel:

T. Randolph Ferguson
Sandler, Travis & Rosenberg, P.A.
505 Sansome Street
San Francisco, California 94111
(415) 490-1401

10. *Taiwan Ziyang Food Company, et al. v. United States*, 637 F. Supp. 2d 1093 (Ct. Int'l Trade 2009)

In this case and others filed from 2004 to 2007, I defended the United States Department of Commerce's yearly implementation of antidumping duties and valuation of garlic imported from China at the United States Court of International trade. *See also Jinan Yipin Corp. Ltd., et al. v. United States*, 774 F. Supp. 2d 1238 (Ct. Int'l Trade 2011); *Jinan Yipin Corp. Ltd., et al. v. United States*, 637 F. Supp. 2d 1183 (Ct. Int'l Trade 2009); *Zhengzhou Harmoni Spice Co., Ltd., et al. v. United States*, 617 F. Supp. 2d 1281 (Ct. Int'l Trade 2009); *Jinan Yipin Corp. Ltd., et al. v. United States*, 526 F. Supp. 2d 1347 (2007). This proceeding was labor intensive and involved lengthy briefing and multiple hearings against several parties and their attorneys. Although the government did not win every issue in this case or the others, my efforts on behalf of the United States helped to protect American garlic producers and defended a fair price for the garlic purchased by Americans.

Dates of Representation: 2004 – 2007

Presiding Judge: Hon. Delissa A. Ridgway

Counsel for Taian Ziyang Food Company, Ltd.:

Adams C. Lee
Then with White & Case, LLP
Harris Bricken
600 Stewart Street, Suite 1200
Seattle, Washington 98101
(206) 224-5657

Counsel for Taian Food Hut Tong See Foodstuffs Co., Ltd.:

Albert Lo
Bryan Cave, LLP
1555 F Street NW

Washington, D.C. 20004
(202) 508-6000

Counsel for Zhengshou Harmoni Spice Co. Ltd., Jinan Yipin Corp., Ltd., Linshu Dading Private Agricultural Prods. Co., Ltd. And Sunny Import & Export Co., Ltd.:

Bruce Mitchell
Grunfeld, Desiderio, Lebowitz, Silverman & Klesdadt, LLP
1201 New York Avenue NW, # 650
Washington, D.C. 20005
(202) 783-6881

Counsel for Jinxiang Dong Run Freezing Storage Co., Ltd.:

John Kenkel
deKieffer & Horgan
1090 Vermont Avenue NW, #410
Washington, D.C.
(202) 783-6900

Counsel for Christopher Ranch, LLC, The Garlic Company, Valley Garlic, and Vessry and Company, Inc.:

Michael Coursey
Kelly Drye & Warren, LLP
3050 K Street, # 400
Washington, D.C. 20007
(202) 342-8400

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Outside of the matters discussed herein, the most significant legal activity that I have pursued is my involvement as a member of the board of directors of Tarrant County Volunteer Attorney Services ("TVAS"). TVAS is a community service committee under the Tarrant County Bar Foundation that works with the local legal community to devise and organize programs to provide free legal services to disadvantaged individuals. For example, during my tenure on TVAS, the committee has sponsored general advice legal clinics, family law clinics, veteran's legal clinics, wills and estates clinics, and uncontested divorce clinics at local community organizations.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a

syllabus of each course, provide four (4) copies to the committee.

Beginning January 2019, I have served as a co-instructor with a fellow justice on the Texas Second Court of Appeals of a course called "Texas Trials and Appeals" at the Texas A&M University School of Law in Fort Worth, Texas. The subject matter of the course pertains to trial and appellate procedure in civil cases filed in Texas courts. The course syllabus is provided.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Based on my years of service in the Executive Branch, I will receive a government pension through the Federal Employees Retirement Program.

Based on my years of service in the Texas judiciary, if vested, I will receive a government pension through the Employees Retirement System of Texas and the Texas County and District Retirement System Annuity.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have committed to teaching the Texas Trials and Appeals course at the Texas A&M University School of Law through the end of the spring 2019 semester. After the conclusion of this course, I have no plans to pursue any outside employment.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see attached Financial Disclosure Statement.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Please see attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, categories of litigation, and

financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Should I be confirmed, I do not have any financial arrangements or categories of litigation which would present a conflict of interest. The only conflict of interest that I am aware of would involve my brother-in-law and my sister-in-law, who practice law in the North Texas area. As is my practice, I would recuse myself from any case where they were listed as counsel of record or where they were directly involved.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, I will review any real, potential, or perceived conflicts of interest by referring to 28 U.S.C. Section 455, Canon 3 of the Code of Conduct for United States Judges, as well as any other laws, rules, or practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Since January 2015, I have been a member of the board of directors of Tarrant County Volunteer Attorney Services ("TVAS"). TVAS is a community service committee under the Tarrant County Bar Foundation, a 501c(3) nonprofit organization. The goals of TVAS are to serve the Tarrant County, Texas community by connecting Tarrant County attorneys with those who could not otherwise afford representation, encourage participation from the local legal community in pro bono legal services, and create a program that recognizes individual attorneys, law firms and corporations in Tarrant County for their commitment to pro bono legal representation. In furtherance of these goals, TVAS holds monthly meetings and conducts and organizes general advice legal clinics, family law clinics, veteran's legal clinics, and uncontested divorce clinics at local community organizations and the Tarrant County Bar Association's office. A large part of my work involves motivating local attorneys to serve at TVAS's clinics and assist the disadvantaged in having access to legal services.

Additionally, I volunteer in programs geared toward encouraging students to pursue a career in law or mentoring young lawyers. For example, in 2018 I served as a volunteer judge for the Eldon Mahon Texas High School Mock Trial Competition for high school students and in 2017 I served as a volunteer justice for the Texas Young Lawyers State Moot Court Competition for law students. I have also served as an associate and master member of the Eldon B. Mahon Inn of Court in Fort Worth.

Finally, I am a member of both the Texas Bar Foundation and the Tarrant County Bar Foundation and support both organizations financially through my membership dues. Both organizations provide grants to organizations providing free legal services to the disadvantaged.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I submitted an application with the Cornyn/Cruz Federal Judiciary Evaluation Committee (FJEC) on February 27, 2018. I was interviewed by the FJEC on April 5, 2018 in Houston, Texas. Based on the FJEC's recommendation, I was interviewed by Senator John Cornyn and Senator Ted Cruz on May 7, 2018 in Washington, D.C. Since July 2018, I have been in contact with individuals from the White House Counsel's Office. On July 27, 2018, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy for the Department of Justice in Washington, D.C. Since then, I have periodically communicated with individuals in the White House Counsel's Office and the U.S. Department of Justice. On January 17, 2019, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL DISCLOSURE REPORT
NOMINATION FILINGReport Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Pittman, Mark T.	2. Court or Organization U.S. District Court for the Northern District of Texas	3. Date of Report 01/22/2019
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Judicial Nominee	5a. Report Type (check appropriate type) ☒ Nomination Date 01/17/2019 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2018 to 01/22/2019
7. Chambers or Office Address Second Texas Court of Appeals 401 West Belknap, Suite 9000 Fort Worth, Texas 76196-0211		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	
2. Associate Justice, Place 6	Court of Appeals, Second District of Texas
3. Board Member	Ballet Concerto, Inc.
4. District Judge	352nd District Court, Tarrant County, Texas
5. Adjunct Professor	Texas A&M University School of Law

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)☐ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. 2015	Employees Retirement System of Texas, Judge (Plan II) Fixed Annuity: State Judicial Pension
2. 2015	Texas County and District Retirement System Fixed Annuity: County Judicial Pension
3.	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Pittman, Mark T.

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2019	State of Texas, Court of Appeals judicial salary	\$12,833.33
2. 2019	Tarrant County, Texas, Court of Appeals judicial salary	\$346.15
3. 2018	State of Texas, Court of Appeals judicial salary	\$154,000.00
4. 2018	Tarrant County, Texas, Court of Appeals judicial salary	\$8,999.90
5. 2017	State of Texas, Court of Appeals judicial salary	\$151,038.46
6. 2017	Tarrant County, Texas Court of Appeals judicial salary	\$8,826.83
7. 2017	State of Texas, District Court judicial salary	\$2,692.30
8. 2017	Tarrant County, Texas, District Court judicial salary	\$346.15
9. 2019	Texas A&M University School of Law	\$0.00

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2017-2019	self-employed fitness instructor
2. 2017-2019	YMCA of Metropolitan Fort Worth, part-time fitness instructor
3. 2018-2019	D Method Studio, part-time fitness instructor
4.	

IV. REIMBURSEMENTS *-- transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Pittman, Mark T.

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3. _____

4. _____

5. _____

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Name of Person Reporting

Pittman, Mark T.

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒ NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

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Name of Person Reporting

Pittman, Mark T.

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		(1) Type (e.g., buy, sell, redemption)	D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)		(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)	
1. USAA, cash accounts	A	Interest	J	T	Exempt					
2. Teacher Retirement System of Texas Fixed Annuity	B	Interest	K	T	Exempt					
3. Fidelity Diversified International Fund	A	Dividend	J	T	Exempt					
4. Fidelity Growth Company Fund	E	Dividend	L	T	Exempt					
5. Fidelity Low Priced Stock Fund	D	Dividend	L	T	Exempt					
6. Fidelity Dividend Growth Fund	D	Dividend	K	T	Exempt					
7. Fidelity U.S. Bond Index Investor Class Fund	A	Dividend	J	T	Exempt					
8. T. Rowe Price Retirement 2040 Rollover IRA Fund	A	Int./Div.	J	T	Exempt					
9. USAA Short Term Bond Fund	A	Dividend	J	T	Exempt					
10. USAA Short Term Bond Fund	A	Dividend	J	T	Exempt					
11. USAA Short Term Bond Fund	A	Dividend	J	T	Exempt					
12. 403b USAA Mutual Fund, Catholic Diocese of Arlington, Virginia	A	Int./Div.	J	T	Exempt					
13. Texas County and District Retirement Fixed Annuity	A	Interest	J	T	Exempt					
14. Employees Retirement System of Texas Judge (Plan II) Fixed Annuity	B	Interest	K	T	Exempt					
15. USAA Money Market Fund	A	Interest	J	T	Exempt					
16. USAA Money Market Fund	A	Interest	J	T	Exempt					
17. USAA Money Market Fund	A	Interest	J	T	Exempt					

1. Income Gain Codes:
(See Columns B1 and D4)
2. Value Codes
(See Columns C1 and D3)
3. Value Method Codes
(See Column C2)

A = \$1,000 or less
F = \$50,001 - \$100,000
J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000
Q = Appraisal
U = Book Value

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000
K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000
R = Cost (Real Estate Only)
V = Other

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000
L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000
S = Assessment
W = Estimated

D = \$5,001 - \$15,000
H2 = More than \$5,000,000
M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000
T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-I)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-I)	Identity of buyer/seller (if private transaction)
18. USAA Money Market Fund	A	Interest	J	T	Exempt				
19. USAA Short Term Bond Fund	A	Dividend	J	T	Exempt				
20.									

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

In Part VII. Investments and Trusts, Line 12, I identified a 403b USAA Mutual Fund. This is a small 403b fund that is controlled by Catholic Diocese of Arlington, Virginia that belongs to my wife from previous employment. My wife and I have no control of the assets or investments in this account.

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Pittman, Mark T.

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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Mark T. Pittman

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks			850	Notes payable to banks-secured (auto)		11	023
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities -- see schedule		185	973	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		7	000
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable -- see schedule		357	873
Real estate owned -- see schedule		510	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		32	000				
Cash value-life insurance							
Other assets itemize:							
Thrift Savings Plan		89	434				
Teacher Retirement System of Texas, Annuity		27	194				
Employees Retirement System of Texas, Judge (Plan II) Annuity		45	509				
Knights of Columbus Retirement Annuity			123				
Knights of Columbus Retirement Annuity			123				
Federal Employees Retirement System Annuity		139	121	Total Liabilities		375	896
Texas County and District Retirement System Annuity		4	240	Net Worth		658	671
Total Assets	1	034	567	Total Liabilities and Net Worth	1	034	567
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As Endorser, Comaker or Guarantor				Are any assets pledged? (Add schedule)	No		
On Leases or Contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other Special Debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

USAA Short Term Bond Fund	\$1,076
USAA Short Term Bond Fund	624
USAA Short Term Bond Fund	1,251
USAA Short Term Bond Fund	13
T. Rowe Price Retirement 2040 Fund	10,882
Fidelity Diversified International Fund	2,299
Fidelity Growth Company Fund	69,754
Fidelity Low Priced Stock Fund	49,954
Fidelity Dividend Growth Fund	37,293
Fidelity U.S. Bond Index Fund	6,908
USAA 403b Mutual Fund	1,469
USAA Money Market Fund	155
USAA Money Market Fund	976
USAA Money Market Fund	1,186
USAA Money Market Fund	2,133

Total Listed Securities	<u>\$185,973</u>
-------------------------	------------------

Real Estate Owned

Personal Residence	<u>\$510,000</u>
Total Real Estate Owned	<u>\$510,000</u>

Real Estate Mortgages Payable

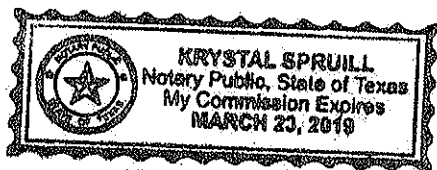
Personal Residence – Mortgage	<u>\$357,873</u>
Total Real Estate Mortgages Payable	<u>\$357,873</u>

AFFIDAVIT

I, MARK Timothy PITTMAN, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

1-28-19
(DATE)

Mark T. Pittman
(NAME)



Notary without Bond

Krystal Spruill
(NOTARY)